

ASSEMBLY BILL

No. 435

Introduced by Assembly Member De La Torre

February 24, 2009

An act to amend Section 1001 of the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 435, as introduced, De La Torre. Public utilities: certificates of convenience and necessity.

Existing law prohibits a railroad corporation whose railroad is operated primarily by electric energy, street railroad corporation, gas corporation, electrical corporation, telegraph corporation, telephone corporation, water corporation, or sewer corporation from beginning construction of a street railroad or a line, plant, or system or extension of a line, plant, or system without having obtained from the Public Utilities Commission a certificate that the present or future public convenience and necessity require or will require the construction.

This bill would make technical, nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1001 of the Public Utilities Code is
- 2 amended to read:
- 3 1001. ~~No~~(a) A railroad corporation whose railroad is operated
- 4 primarily by electric energy, street railroad corporation, gas

1 corporation, electrical corporation, telegraph corporation, telephone
2 corporation, water corporation, or sewer system corporation shall
3 *not* begin the construction of a street railroad, or of a line, plant,
4 or system, or of any extension thereof, without having first obtained
5 from the commission a certificate that the present or future public
6 convenience and necessity require or will require ~~such the~~
7 construction.

8 ~~This~~

9 ~~(b) This article shall not be construed to does not require any~~
10 ~~such a corporation of the kind listed in subdivision (a) to secure~~
11 ~~such the~~ certificate for an extension within any city or city and
12 county within which it has theretofore lawfully commenced
13 operations, or for an extension into territory either within or without
14 a city or city and county contiguous to its street railroad, or line,
15 plant, or system, and not theretofore served by a public utility of
16 like character, or for an extension within or to territory already
17 served by it, necessary in the ordinary course of its business. If
18 any public utility, in constructing or extending its line, plant, or
19 system, interferes or is about to interfere with the operation of the
20 line, plant, or system of any other public utility or of the water
21 system of a public agency, already constructed, the commission,
22 on complaint of the public utility or public agency claiming to be
23 injuriously affected, may, after hearing, make ~~such an~~ order and
24 prescribe ~~such the~~ terms and conditions for the location of the
25 lines, plants, or systems affected ~~as that~~ to it may seem just and
26 reasonable.